

EXHIBIT 3

STATE BAR OF TEXAS



ADVERTISING REVIEW COMMITTEE

February 7, 2012

Tom Bagby
Mauze & Bagby, PLLC
2632 Broadway
Ste. 402 South
San Antonio, TX 78215

RE: File Number: 51355
Bar Card Number: 24059409
Application, Lawyer Advertising
Please include your unique file number (referenced above) on all correspondence pertaining to this application.

Dear Tom Bagby:

The Advertising Review Committee or staff has reviewed the above-referenced application filed with the Advertising Review Committee pursuant to Rule 7.07(b), Texas Disciplinary Rules of Professional Conduct. The advertisement or writing either requires additional information to substantiate representations that are contained therein, or it violates Part 7 of the Texas Disciplinary Rules of Professional Conduct in the following particulars: **You must send two copies of all corrections. The Advertising Review Committee does not accept fax transmissions or email for either submissions or corrections of advertisements. Please send either via mail or by courier.**

- * The material indicated is false and misleading or contains a material misrepresentation as prohibited by either 7.02(a)(1) or 7.05(a)(3). (Please refer to attached advertisement, letter, or production script for specific material indicated.)
- * The material indicated requires substantiation of representations made therein as required by 7.07(f). (Please refer to attached advertisement, letter, or production script for specific material indicated.)
- * Note on Rule 7.02(a)(1): Super Lawyers is not by Texas Monthly, it is a Thomas Reuters service. Licensure is by the Texas Supreme Court.

You did not request a pre-approval of this advertisement or writing. The application you submitted indicates that this advertisement or writing containing the above-referenced violations is currently being disseminated to the public. According to Official Comment No. 2 to Section 7.07, it is presumed that the Committee will report to the appropriate grievance committee any lawyer whom it finds from the reviewed products has disseminated an advertisement or writing that violates Part 7. However, in an initial effort to handle violations administratively before reporting an attorney to the grievance system, the Committee will allow you one opportunity to remedy the situation. **Within ten (10) days from the date of this letter, please return one of the following two documents to the Advertising Review Committee:**

- (1) the advertisement or writing in which the appropriate corrections have been made, or
- (2) a notice certifying that you have stopped public dissemination of the advertisement or writing.

Such a notice should contain one of the following explanations:

- (a) Dissemination has been temporarily stopped for the purpose of making corrections.

www.texasbar.com

1414 Colorado / P.O. Box 12487 / Austin, Texas 78711-2487 / (800) 566-4616 / (512) 463-1463 / FAX: (512) 477-4109

STATE BAR OF TEXAS



- (Include the date corrections will be forwarded to the Committee.); or
- (b) Dissemination has been permanently stopped. There is no intention of beginning public dissemination of this advertisement or writing in the future.

If the requested documents are not received in this office by tenth (10th) day following the date of this letter, we will assume that the advertisement or writing continues to be disseminated publicly, and the Committee may forward this matter to the appropriate grievance committee for disciplinary action. If the appropriate corrections are made and submitted, you will be sent an approval of the amended advertisement or writing. If you end dissemination permanently, you will receive a disapproval of the advertisement or writing but no further action will be taken.

You are not required to submit additional fees at this time. Please include your unique file number (referenced above) on all correspondence pertaining to this application. Thank you for your cooperation.

Sincerely,

Gene Major
Director, Advertising Review Department

enc.

APPLICATION FORM**LAWYER ADVERTISING AND SOLICITATION COMMUNICATIONS**

Effective July 29, 1995, Part VII of the Texas Rules of Disciplinary Procedure require that a lawyer file with the Advertising Review Committee a copy of all public media advertisements and solicitation communications, except those exempt by Rule 7.07(e), contemporaneously with first dissemination or mailing. If desired, pre-approval may be obtained by submitting a copy of the advertisement or writing at least 30 days prior to its first dissemination or mailing. (If pre-approval is requested for an advertisement that is to be placed in a telephone directory or similar publication, the ad must be submitted at least 30 days prior to the printing deadline of the publication rather than 30 days prior to dissemination date of the publication.) If a pre-approval is requested, a response will be mailed within 25 days of the date of receipt of a completed application packet.

For Committee Use Only

☒ Fee Enclosed
☐ Letter/Email
☐ Brochure/Newsletter
☐ Print Ad
☐ Script
☒ Recording
☒ Website
☐ Billboard

Case No.

51355

Date Rec'd.

2/3/12**INSTRUCTIONS FOR SUBMISSION OF A COMPLETE APPLICATION PACKET**

1. Complete Application in full. You can either complete each space on this form online or print the form and complete it manually by printing your replies. This form may be reproduced.
2. Attach advertisement or solicitation communication.
 - > For a solicitation letter, attach a sample of the letter and the envelope in which it will be mailed. Emails must look like emails.
 - > For a television, radio or online audio or video ad, attach a detailed production script, including ad title or number, and an audio or video recording.
 - > If requesting pre-approval of a TV or radio ad that has not yet been produced, a production script can be submitted without a video or audio recording.
 - > For an ad or solicitation in any language other than English, attach a complete, accurate English translation along with the ad or solicitation in the original language.
 - > For a website, include URL and two printed copies of the initial access page.

3. Enclose check or money order in the amount of **\$75.00** payable to the State Bar of Texas for each ad or writing OR complete the credit card information section on the second page.
4. Mail two copies of each completed application packet to:

**Advertising Review Committee
 State Bar of Texas
 P.O. Box 12487
 Austin, TX 78711-2487**

*Note exception: It is not necessary to include an additional copy of the video or audio disk, tape or USB Flash drive submitted for TV or radio commercials.

A separate application packet must be submitted for each advertisement/solicitation. If submitting more than one packet at a time, TV, radio or online audio or video commercials may be combined onto one disk/tape/USB Flash drive. Filing fees may be also combined into one check. Incomplete application packets will be returned. They will not be docketed for review.

For questions concerning filing requirements, call 1-800-566-4616 or visit www.texasbar.com/adreview.

Lawyer*: Tom Bagby (James Thomas Bagby, III)Bar Card #: 24059409Firm: Mauze & Bagby, PLLCFirm's Principal Office Address*: 2632 Broadway, Suite 402 SouthSan Antonio, Texas 78215Phone*: 1-800-200-9096

Fax: _____

E-mail: 1

Nature of advertisement or solicitation communication*:

- A. ☐ Letter (Complete Addendum Form) D. ☐ Brochure Newsletter (Complete Addendum Form) G. ☐ Other (Billboards, etc.)
 B. ☐ Telephone Directory E. ☐ Television/Radio
 C. ☐ Magazine/Newspaper F. ☒ Website, URL: www.koolsmlsclaims.com

It is extremely important that you review the explanation of the difference between filing and pre-approval at top of this page before answering the following question:

Does applicant seek pre-approval? Yes (pre-approval) _____ No (filing) ☒ _____

If you answered No, state the date the advertisement or solicitation was first disseminated or mailed. 2/4/12
 (Form continued on back.....)

This form (updated 02/19/10) supersedes all prior forms.
 (.....page 2 of 2, form continued from front)

* Required Fields

Is it likely that a case or matter resulting from the advertisement or solicitation will be referred to another lawyer or law firm? Yes _____ No X

Does the advertisement or solicitation disclose or allude to a specific fee, range of fees, or that the lawyer or law firm will render fees on a contingent fee basis? Yes _____ No X

Does the advertisement or solicitation disclose the existence of an office other than the firm's principal office? Yes _____ No X

If you answered Yes, is the satellite office staffed by a lawyer at least three days per week? Yes _____ No _____

Does the advertisement or solicitation designate or allude to one or more specific areas of practice? Yes _____ No X

If you answered Yes, is the lawyer board certified in the areas of practice advertised? Yes _____ No _____

Has another lawyer or law firm paid any part of the advertisement or solicitation? Yes _____ No X

If you answered Yes, identify the lawyer or law firm. _____

In what geographic location(s) will the material be disseminated? Texas (west and south Texas)

Identify any lawyers depicted in the submitted material.* _____

Identify any actual clients depicted in the submission along with such clients' addresses and phone numbers.* _____

Note: The Advertising Review Department may request substantiation of any statement or representation made in the submitted advertisement or solicitation communication.

Payment by credit card: Name of cardholder _____ circle one) AMEX MC Visa \$ _____

Please Print

Number: _____ Date of Expiration _____

ATTEST: I HAVE REVIEWED THE ADVERTISEMENT OR WRITING SUBMITTED AS REQUIRED BY RULE 7.04(e) OR 7.05(d), TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT. THE REPRESENTATIONS CONTAINED THEREIN AND THE INFORMATION IN THIS APPLICATION ARE TRUE AND CORRECT.

Signature of Applicant _____

Date 3/12/12

FOR COMMITTEE USE ONLY				
PRE-APPROVED	APPROVED	ADD'L INFORMATION REQUESTED	DISAPPROVED	REFERRED TO CHIEF DISCIPLINARY COUNSEL
DATE _____	DATE _____	DATE _____	DATE _____	DATE _____
BY _____	BY _____	BY _____	BY _____	BY _____

This form (updated 04/12/10) supersedes all prior forms.

- [Homepage](#)
- [Who We Are](#)
- [Kool Smiles Around the Web](#)
- [Contact Us](#)

KOOL

Smiles Claims

Sponsored by: Tom Bagby, Attorney, San Antonio, Texas

Call Today! 877-343-6039

Serving All Of Texas

**Was your
child:**

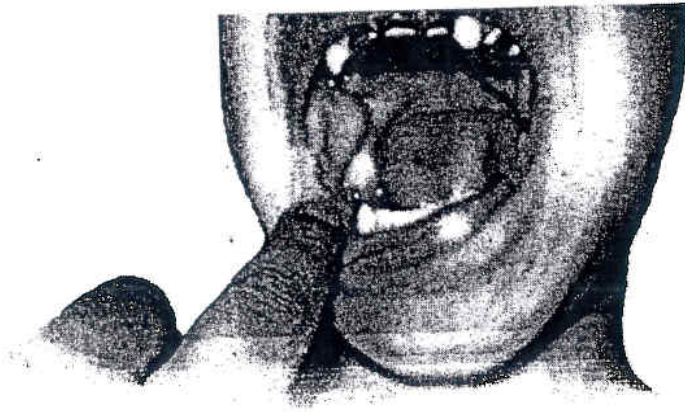
• strapped down to a papoose board? 7.07(A)

• upset, crying, terrified, or traumatized? 7.07(A)

• does your child have a mouthful of stainless steel crowns? 7.07(A)

[Read More](#)

51355



Trusted Lawyer in San Antonio

Was your child:

- strapped down to a papoose board?
- upset, crying, terrified, or traumatized?

7.02(A)
- 7.02(A)

Were you told your child needed extensive dental services, such as:

- multiple stainless steel crowns?
- multiple root canals/pulpotomies?

Did Kool Smiles perform extensive dental work on your child's baby teeth? Why?

7.02(A)

If Kool Smiles cemented crowns on your child's permanent teeth, did they tell you that stainless steel crowns have to be replaced every 10 years on average? Did you know your child might be spending thousands of dollars for dental care for the rest of his/her life?

7.02(A)

You may have a CLAIM.

If you have questions about Kool Smiles' treatment of your child and you want answers, we are available to help you. Call 877-343-6039 for a **free consultation**.

Kool Smiles and Medicaid

Approximately 5 years ago the United States Congress passed legislation that substantially increased Medicaid reimbursements for several children's dental services. The purpose of this legislation was to increase the availability of dental services to underprivileged children. Since the passage of this legislation, hundreds of dental clinics, targeting children eligible for Medicaid, have opened throughout our country.

Unfortunately, many of these dental clinics have exploited our children to increase their revenue.

Kool Smiles has opened over 35 clinics in Texas, including clinics in El Paso, McAllen, Weslaco, Mission, Brownsville, Eagle Pass and Laredo. In 2010, the Kool Smiles clinics in these 7 cities collected more than Twenty Five Million Dollars (\$25,000,000.00) in Medicaid reimbursements.

Why Choose Us?

- Operator's Waiting 24/7
- Flexible Appointment Availability
- Personal Attention On Every Case
- Schedule Now And Protect Your Rights
- Local Representation
- Free Initial Consultation



Contact Us

Name

Phone

Email

Comments

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Kool Smiles Claims

Call Us Now: 877-343-6039

2632 Broadway St
San Antonio, TX 78215

Paid for by the Mauzé Law Firm

DISCLAIMER: Requesting a legal consultation or claim review does not form an attorney client relationship. A retainer agreement has been signed and your case has been accepted. The contents of this site are provided for informational purposes only and do not constitute legal advice in any way. Prior outcomes do not guarantee or predict a similar results with your case.

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Smiles Claims

Sponsored by: Tom Bagby, Attorney, San Antonio, Texas

Call Today!

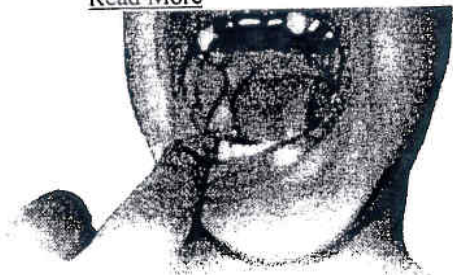
1-800-200-9096

Serving All Of Texas

Was your child:

- strapped down to a papoose board?
- upset, crying, terrified, or traumatized?
- does your child have a mouthful of stainless steel crowns?

[Read More](#)



Who We Are

Mauzé & Bagby, PLLC

We are a law firm in San Antonio, Texas committed to serving families whose children have been victims of unnecessary and excessive dentistry. The two principal partners of Mauzé' & Bagby, PLLC are George Mauzé' and Tom Bagby. Below are brief bios on the principals of Mauzé' & Bagby, PLLC.

George Mauzé

George Mauzé' was born and raised in San Antonio, Texas. He attended Texas A&M University where he obtained a B.A. degree in 1981. He next attended South Texas College of Law in Houston where he obtained a J.D. degree in 1983. He was licensed to practice law in Texas in 1983, at the age of 22. He has been practicing law throughout Courts in Texas and has handled cases in other states for 28 years. He has been named a Super Lawyer (only 5% of attorneys are selected) by Texas Monthly 2005, 2006, 2007, 2008, 2009, 2010, and 2011. His law firm was named by the National Law Journal in 2002 as the 32nd Winningest Law Firm in the United States. In 1997, the

7.02(a)(1)

7.07(f)

<http://www.koolsmilesclaims.com/who we are.html>

2/7/2012

National Law Journal reported that he had the 97th largest verdict in the United States. He has achieved verdicts and settlements exceeding \$250,000,000 on behalf of victims of negligence, primarily in the areas of personal injury and medical malpractice.

7.07(F)

George Mauze is licensed to practice in all Courts in Texas, the Western, Southern and Northern United States District Courts, the United States Fifth Circuit Court of Appeals and the United States Supreme Court. He is a member of the State Bar of Texas, the San Antonio Bar Association, the Million Dollar Advocates Forum, and other organizations. He has authored articles and made presentations at Continuing Legal Education seminars sponsored by law schools and the State Bar of Texas.

7.02(a)(2)

7.02(a)(1)

Tom Bagby

Tom Bagby grew up in Houston, Texas. He went to college at the University of Texas at Austin where he graduated in 3 years. Tom attended law school at the University of St. Mary's School of Law in San Antonio, Texas, where he graduated at the top of his class. During law school, Tom clerked for the General Counsel to the Commandant of the Marine Corps at the Pentagon in Washington, D.C. Tom also clerked for United States Magistrate Judge Pamela Mathy for the United States District Court for the Western District of Texas. After law school, Tom went to work for a local San Antonio firm.

7.02(c)

where he specialized in real estate and business law. However, Tom's passion for helping the needy and underprivileged could not be contained. That is why he joined with George Mauze to start Mauze & Bagby, PLLC, a law firm dedicated to representing people who have been taken advantage of or abused.

Tom is an active member of the San Antonio Bar Association, San Antonio Young Lawyers Association, and St. Luke's Episcopal Church. Tom is licensed to practice law in Texas and Montana.

Why Choose Us?

- Flexible Appointment Availability
- Personal Attention On Every Case
- Schedule Now And Protect Your Rights
- Local Representation
- Free Initial Consultation



Contact Us

Name

Phone

Email

Comments

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2632 Broadway St
San Antonio, TX 78215

Paid for by Mauze & Bagby,
PLLC

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